

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SAIADITYA KADAPA,)	No. ED103012
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	
)	Hon. Matthew E. P. Thornhill
DIRECTOR OF REVENUE,)	
)	Filed:
Appellant.)	May 10, 2016

The Director of Revenue appeals from the judgment of the trial court reinstating the driving privileges of Saiaditya Kadapa, which were suspended after his arrest for driving while intoxicated.

REVERSED AND REMANDED.

Division One holds:

The supplier of the gas mixture used to verify and calibrate the breath analyzer used to test Kadapa's blood alcohol content at the time of his arrest was an approved supplier under 19 CSR 25-30.051. Proof that the supplier was also the manufacturer was not required under the regulation or our recent interpretations thereof. See Gallagher v. Director of Revenue, 2016 WL 720619 at *2 (Mo. App. E.D February 23, 2016). Therefore, excluding the BAC results was error.

Opinion by: Robert G. Dowd, Jr., P.J.
Mary K. Hoff, J. and Roy L. Richter, J., concur.

Attorney for Appellant:

Rachel M. Jones

Attorney for Respondent:

John C. Schleiffarth

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
